

Court File No.: CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

CHIEF JUSTICE GEOFFREY B. MORAWETZ) FRIDAY, THE 18TH DAY
)
) OF FEBRUARY, 2022

BETWEEN:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

- and -

THE CORPORATION OF THE CITY OF WINDSOR,
ATTORNEY GENERAL FOR ONTARIO

Intervening Parties

-and-

THE DEMOCRACY FUND

Intervenor/
Friend of the Court

ORDER

THIS MOTION, made by the Corporation of the City of Windsor (the “City”) for an order accepting its Notice of Application dated February 17, 2022 (the “Application”) as the underlying proceeding in the motion brought by the Automotive Parts Manufacturers’



Association ("APMA") and supported by the City and the Attorney General of Ontario ("AG") for an injunction, which relief was granted by Order of this Court dated February 11, 2022 (the "February 11 Injunction Motion"), consolidating the Application with the previous February 11 Injunction Motion, and amending the title of proceedings pursuant to Rules 1.04, 6.01, 14.06, 16.04(1), 37.17, and 26.02 of the *Rules of Civil Procedure*, was heard at Windsor on February 18, 2022 by videoconference.

UPON HEARING the consent of the APMA and the AG, and the oral submissions of counsel for the Plaintiff, counsel for the City, counsel for the Intervenor (Friend of the Court) the Democracy Fund, and Antoine D'Ailly, counsel for Citizens for Freedom, via videoconference:

1. **THIS COURT ORDERS** that the City's Application attached as Schedule "A" to this Order is hereby consolidated with the February 11 Injunction Motion, and was heard together with the continuation of the February 11 Injunction Motion heard today.
2. **THIS COURT ORDERS** that this proceeding shall continue as an Application, with the following amended style of case:

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ONTARIO
SUPERIOR COURT OF JUSTICE

THE CORPORATION OF THE CITY OF WINDSOR

Applicant

and

PERSONS UNKNOWN

Respondents

and

ATTORNEY GENERAL OF ONTARIO and
AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Intervening Parties

and

THE DEMOCRACY FUND

Intervenor as Friend of the Court

3. **THIS COURT ORDERS** that the undertaking of the Automobile Parts Manufacturers' Association to commence a proceeding forthwith in accordance with Rule 37.17 of the *Rules of Civil Procedure* shall be and is hereby deemed fulfilled.
4. **THIS COURT ORDERS** that the February 11, 2022 Order in this proceeding survives the continuation of this proceeding as the Application and continues to be valid and in force on the terms set out therein.
5. **THIS COURT ORDERS** that the Automobile Parts Manufacturers' Association shall be and is hereby granted leave to intervene in this Application as a party pursuant to Rule 13.01 of the *Rules of Civil Procedure*.

6. **THIS COURT ORDERS** that notice of the February 18, 2022 hearing in this proceeding, given in accordance with the February 11, 2022 Order in this proceeding, shall be and is hereby deemed to be good and proper notice of the Notice of Application attached as Schedule "A".
7. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Application attached as Schedule "A" shall be and is hereby abridged and validated so that the Application is properly returnable today.

A handwritten signature in black ink, appearing to read 'G. Morawetz', is written above a horizontal line.

CHIEF JUSTICE GEOFFREY B. MORAWETZ

SCHEDULE "A"

Court File No. CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE CORPORATION OF THE CITY OF WINDSOR

Applicant

and

PERSONS UNKNOWN

Respondents

and

ATTORNEY GENERAL OF ONTARIO and
AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Intervening Parties

THE DEMOCRACY FUND

Intervenor as Friend of the Court

NOTICE OF APPLICATION

APPLICATION UNDER rules 14.05 and 38 of the *Rules of Civil Procedure* (Ontario), under section 440 of the *Municipal Act, 2001* and under the inherent jurisdiction of this Court.

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- ☐ In writing
- ☐ In person
- ☐ By telephone conference
- ☒ By video conference

at the following location: the Court in Windsor by videoconference on Friday, February 18, 2022 at 10:00 am at the following link, or as soon after that time as the application may be heard:

<https://ca01web.zoom.us/j/68810320796?pwd=VmxoNzE2UWRub2krM2M2em55Ym1p>

QT09

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date _____ Issued by _____
Local Registrar

Address of Superior Court of Justice
court office: 245 Windsor Avenue
Windsor, ON N9A 1J2

TO **Persons Unknown**

APPLICATION

THE APPLICANT, the Corporation of the City of Windsor (the "City") will make an application to the court for:

1. An Order for an interlocutory injunction restraining and enjoining the respondents from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points;
2. If necessary, an Order dispensing, abridging the time for and validating the service of this Notice of Application and the materials filed in support;
3. If opposed, costs of this application on a substantial indemnity basis; and
4. Such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

1. By Order dated February 11, 2022, Justice Morawetz granted an interim interlocutory injunction restraining and enjoining the respondents from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points for ten (10) days (the "**February 11 Order**"). The February 11 Order was granted pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 440 of the *Municipal Act, 2001*.
2. The applicant, the City, is seeking the continuation of the February 11 Order under section 440 of the *Municipal Act, 2001*.

3. The respondents are persons unknown, including the organizers and participants of the protest, which obstructed the intersection of Huron Church Road and College Avenue in Windsor, Ontario, commencing on February 7, 2022, which impeded or blocked access to the Ambassador Bridge.
4. The respondents have contravened multiple City by-laws since February 7, 2022, and continued to violate City by-laws after notice of the February 11 Order was given. The contravened City by-laws include, but are not limited to: By-Law 9148 (Traffic By-Law), By-Law 233-2001 (Vehicle Idling By-Law), By-Law 25-2010 (Protection of Highways By-Law), By-Law 6716 (Noise By-Law); and By-Law 9023 (Parking By-Law).
5. Police remain present in the area of the protest to preserve access to the Ambassador Bridge.
6. The respondents are continuing to engage in efforts to return to impede access to the Ambassador Bridge.
7. Section 440 of the *Municipal Act, 2001*.
8. Rules 1.04, 2.03, 3.02, 14.05, 38, and 39 of the *Rules of Civil Procedure*.
9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the application:

1. The Affidavits sworn and to be sworn in support of the Motion; and

2. Such further and other evidence as counsel may advise and this Honourable Court may permit.

Dated: February 17, 2022

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Lawyers for the applicant,
The Corporation of the City of Windsor

THE CORPORATION OF THE
CITY OF WINDSOR
Applicant

-and-

PERSONS UNKNOWN

Respondent

-and-

ATTORNEY GENERAL OF ONTARIO et
al.
Intervenor

Court File No. CV-22-00030791-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
WINDSOR

NOTICE OF APPLICATION

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Windsor

**AUTOMOTIVE PARTS
MANUFACTURERS'
ASSOCIATION**
Plaintiff

- and -

JIM BOAK et al

- and -

**THE CORPORATION OF THE
CITY OF WINDSOR et al**

Defendants

Intervenor

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT WINDSOR

ORDER

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**Lawyers for the Intervenor, the Corporation
of the City of Windsor**